

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DERRICK RANKINE,

Plaintiff,

v.

LOUIS FOLINO, et al.

Defendants.

)
)
)
)
)
)
)
)
)
)

Civil Action No. 04-100E

Electronically Filed

ORDER OF COURT

AND NOW, this _____ day of _____, 2007, upon consideration of the within motion to strike affidavit no. 3 and affidavit of Derrick Rankine and to grant defendants' pending motion for summary judgment or relief under F.R.C.P. 50, it is hereby **ORDERED** that these affidavits are stricken and defendants motion for summary judgment is **GRANTED**.

By the Court:

J.